

### **EXAMINER'S AMENDMENT**

**Note:** In the Office Action mailed on August 21, 2008, claims 1-24 were provisional rejected of on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 58-77 of copending application No. 10/591,690. During the prosecution, claims 58-77 of the copending applications have been cancelled, along with all apparatus claims. Hence, nonstatutory obviousness-type double patenting rejection of the claims is withdrawn and Terminal Disclaimer is not required.

The following is an examiner's statement of reasons for allowance: the prior art of record fails to disclose, teach or suggest a skin tanning system comprising an UV excitation source for pumping a nanostructure device to cause the nanostructure device to emit UVA light having a different wavelength than the UV wavelength of the excitation source.

Fiset, Pub. No.: US 2008/0035864 suggest the use of nanostructure to provide tanning light. However, the reference fails to teach optically pumping the nanostructure to cause the nanostructure to emit tanning UVA light or how said nanostructure provide the tanning light as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahmed M. Farah whose telephone number is (571) 272-4765. The examiner can normally be reached on Mon, Tue, Thur and Fri between 9:30 AM 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johnson Henry can be reached on (571) 272-4768. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ahmed M Farah/  
Primary Examiner, Art Unit 3769

June 3, 2010.